

cefaclor, Cefadroxil, cefamandole nafate, cefazolin, cefixime, cefmetazole, cefoniod, cefoperazone, ceforanide, cefotanme, cefotaxime, cefotetan, cefoxitin, cefpodoxime proxetil, ceftazidime, ceftizoxime, ceftriaxone, cefriaxone moxalactam, cefuroxime, cephalixin, cephalosporin C, cephalosporin C sodium salt, cephalothin, cephalothin sodium salt, cephapirin, cephradine, cefuroximeaxetil, dihydratecephalothin, moxalactam, loracarbef, mafate and chelating agents [in an amount effective to synergistically enhance the therapeutic effect of the lysin enzyme].

REMARKS

Applicants have amended the claims to comply with the examiner's statement that claims would be allowed if appropriately amended. Applicants have appropriately amended said claims.

Applicants also note that on or about April 18, 2003, or earlier, an IDS with over 150 references was filed. No mention is made of this IDS. Applicants note that this IDS is identical in all regards to those IDS filed in parallel cases, except for the Application number. Applicants request that the USPTO search for the missing IDS, and references which were in a box. If said IDS can not be found, applicants request that the undersigned be noted, and/or the IDS and references of one of

the parallel cases be photocopied and included in this case.

In response to the Office Actions question relating to the term “synergistically enhanced,” applicants note that this phrase was used on page 17, lines 15-16. The issue raised by the Office Action is states that they reviewed page 17, lines 15-16 and “did not find a definition/explanation of the phrase.”

Applicant notes that the rejection was a 35 USC 112 second paragraph rejection, and not a 35 USC 112, first paragraph rejection. Support for the claim language is found, as noted, on page 17. There is no requirement in the MPEP to define a phrase or word, except where that word takes on a different meaning than commonly used. Applicants take the position that the language used is self explanatory to those skilled in the art. The application is merely stating that adding the appropriate antibiotic will have a synergistic effect.

However, for the purposes of expediency, applicants will amend the claim.

The application is now in condition for allowance. Please call the undersigned at (301) 603-9071 if you have any questions or comments. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Jonathan E. Grant', is written over a horizontal line.

Jonathan E. Grant

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